

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

JEFF MACY,  
Plaintiff,  
v.  
CALIFORNIA HIGHWAY  
PATROL, et al.,  
Defendants.

No. 5:23-cv-02245-RGK-BFM

**REPORT AND  
RECOMMENDATION OF  
UNITED STATES  
MAGISTRATE JUDGE**

This Report and Recommendation is submitted to the Honorable R. Gary Klausner, United States District Judge, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United States District Court for the Central District of California.

## **SUMMARY OF RECOMMENDATION**

Plaintiff Jeff Macy, proceeding pro se, filed a civil rights complaint relating to a traffic stop conducted by Officer Christopher Bates and Sergeant Jeffrey O'Brien, two employees of the California Highway Patrol. At earlier

1 stages of the case, the District Judge (on this Court's recommendation)  
2 dismissed all but two of Plaintiff's claims: first, that his Fourth Amendment  
3 right against illegal seizure was violated because the traffic stop was  
4 unreasonably prolonged, and second, that his rights were violated by unlawful  
5 searches of his truck. Defendants have now moved for summary judgment,  
6 asking that these claims be dismissed.

7 The Court recommends granting Defendants' Motion. First, Defendants  
8 did not unreasonably prolong the traffic stop. The undisputed evidence is that  
9 Defendant Bates completed the mission of the traffic stop—investigating a  
10 potential seatbelt violation—in around ten minutes. After that, it was  
11 Plaintiff's actions that prolonged the stop: he disputed the validity of the  
12 citation, asked for a supervisor to come to the scene, and continued to argue  
13 the merits of the ticket with the supervisor after he arrived. Given these facts,  
14 the Court concludes that Defendants' conduct did not violate the Fourth  
15 Amendment.

16 Likewise, Defendants' searches of Plaintiff's truck did not violate the  
17 Fourth Amendment. Defendant Bates' first search was lawful under the  
18 automobile exception to the warrant requirement: Bates had probable cause to  
19 believe a seat belt violation had occurred when he initiated the traffic stop, and  
20 he had probable cause to believe evidence of that violation would be found in  
21 the truck. As for the second search, undisputed facts establish that Plaintiff  
22 voluntarily consented to the search.

23 For these reasons, the Court recommends granting Defendants' Motion  
24 for summary judgment.

1 RELEVANT PROCEDURAL HISTORY

2 Plaintiff filed the operative Second Amended Complaint on May 22,  
3 2024. (ECF 20.) The Court issued an Interim Report and Recommendation,  
4 recommending dismissal of all but two of Plaintiff's claims. (ECF 23.) The  
5 District Judge accepted that recommendation, dismissed all claims except for  
6 Plaintiff's two Fourth Amendment claims, and ordered service of the Second  
7 Amended Complaint on Defendants. (ECF 23, 27.) Defendants filed an Answer  
8 (ECF 34), and the parties proceeded to discovery.

9 On February 11, 2025, Defendants moved for summary judgment,  
10 arguing that undisputed facts established that no Fourth Amendment  
11 violation occurred. (ECF 66.) Plaintiff opposed Defendants' Motion. (ECF 71.)<sup>1</sup>  
12 The Court noted that the Opposition did not comply with Local Rule 56-2  
13 because it did not include the required "Statement of Genuine Disputes," and  
14 thus ordered him to supplement his filing. (ECF 73 at 3.)<sup>2</sup> Plaintiff then  
15 supplemented his Opposition with a Statement of Genuine Disputes (ECF 82)  
16 and a Declaration with Exhibits (ECF 83).

17 Defendants filed a Reply to Plaintiff's Opposition along with a Response  
18 to Statement of Genuine Disputes on March 11, 2024, and evidentiary  
19 objections to Plaintiff's Exhibits. (ECF 86, 87.) Defendants' Motion is now fully  
20 briefed and ready for decision.

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25 <sup>1</sup> Plaintiff filed two documents, both of which purport to be his Opposition.  
26 The Court refers to the document filed at ECF 71 because it was filed later in  
27 time. There are no significant differences between the filings.

28 <sup>2</sup> For ease of reference, the Court refers to ECF generated page numbers.

## LEGAL STANDARD

A court may grant summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Material facts are those that may affect the outcome of the case. *Nat'l Ass'n of Optometrists & Opticians v. Harris*, 682 F.3d 1144, 1147 (9th Cir. 2012) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1987)). A dispute of material facts is genuine “if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Anderson*, 477 U.S. at 248. A party cannot create a genuine dispute of material facts simply by making assertions in its legal papers. *S.A. Empresa De Viacao Aerea Rio Grandense (Varig Airlines) v. Walter Kidde & Co., Inc.*, 690 F.2d 1235, 1238 (9th Cir. 1982). Similarly, “[i]f a party fails to properly support an assertion of fact or fails to properly address another party’s assertion of fact, the court may consider the fact undisputed for purposes of the motion.” *C.B. Moreno Valley Unified Sch. Dist.*, 732 F. Supp. 3d (C.D. Cal. 2023) (quoting Fed. R. Civ. P. 56(e)(2)).

The moving party bears the initial burden of identifying facts, supported by evidence in the record, demonstrating the absence of a genuine issue of material fact. *Celotex Corp. v. Cartrett*, 477 U.S. 317, 323 (1986). If the moving party meets its burden, the non-moving party “must go beyond the pleadings and ‘set forth specific facts’ that show a genuine issue for trial.” *Leisek v. Brightwood Corp.*, 278 F.3d 895, 898 (9th Cir. 2001) (quoting *Celotex Corp.*, 477 U.S. at 323-24.) The non-moving party “may not rest upon mere allegation or denials of his pleading, but must set forth specific facts showing that there is a genuine issue for trial.” *Anderson*, 477 U.S. at 256; Fed. R. Civ. P. 56(c)(1)(A) (party asserting a fact is genuinely disputed must cite to “particular parts of materials in the record, including depositions, documents,

1 electronically stored information, affidavits or declarations, stipulations  
2 (including those made for purposes of the motion only), admissions,  
3 interrogatory answers, or other materials.”). If the non-moving party fails to  
4 carry its burden, then the court must grant the motion for summary judgment.  
5 *Nissan Fire & Marine Ins. Co., Ltd. v. Fritz Companies, Inc.*, 210 F.3d 1099,  
6 1103 (9th Cir. 2000) (citing *Celotex Corp.*, 477 U.S. at 322).

7 When ruling on a motion for summary judgment, courts must view all  
8 inferences drawn from the evidence in the light most favorable to the non-  
9 moving party. *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S.  
10 574, 587 (1986). In judging the evidence, the Court does not make credibility  
11 determinations or weigh conflicting evidence. *Soremekun v. Thrifty Payless,*  
12 *Inc.*, 509 F.3d 978, 984 (9th Cir. 2007).

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## 14 EVIDENTIARY ISSUES

15 The Court first considers what facts should be deemed undisputed for  
16 purposes of this motion, given Defendants’ Statement of Undisputed Facts  
17 (“SUF”), Plaintiff’s Statement of Genuine Disputes (“SGD”), Defendants’  
18 response to Plaintiff’s Statement, and Defendants’ objections to Plaintiff’s  
19 Exhibits. (ECF 75, 82, 87.)

20 **A. Defendants’ Statement of Undisputed Facts**

21 Defendants’ Statement lists forty facts it claims are undisputed. Plaintiff  
22 does not explicitly admit that any of them are undisputed. As to many of  
23 Defendants’ proposed undisputed facts, however, Plaintiff’s response does not  
24 actually dispute the fact Defendants alleges to be uncontested—instead he  
25 simply restates the same facts in his own words. Given the lack of any plausibly  
26 material difference between Defendants’ and Plaintiff’s Statements, the Court  
27 treats the following facts as undisputed, using the numbering system from  
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1 Defendants' Statement: SUF 3, 4, 6, 7, 8, 10, 13, 14, 17, 18, 19, 20, 23, 24, 27,  
2 28, 29, 31, 32, 33, 36, 41, 42. *See Fed. R. Civ. P. 56(e)(2).*

3 The Court finds as follows as to the remaining proposed undisputed  
4 facts.

5 • **SUF 1:** Defendants alleges that on June 27, 2023, at approximately  
6 12:55 p.m., Officer Bates was on routine patrol when he observed four  
7 people (three passengers and one driver) seated in a white Isuzu box  
8 truck traveling the opposite direction on State Route 18. (SUF 1.)  
9 That Statement is supported by Bates' sworn declaration (Bates Decl.  
10 at ¶ 3.) The timing is generally supported by Mr. Macy's own  
11 narrative in the video he took on the day of the incident. (ECF 66-5  
12 ("Macy Video Tr.") at 80 ("Yeah, I've been here since 1:00.").) Plaintiff  
13 admits much of Defendants' allegation: the date, what he was driving,  
14 that his family was in the car, and that he was driving on State Route  
15 18 when he passed Defendant Bates parked on the opposite side of  
16 the road. (SGD A, C.) The Court considers all those facts undisputed.

17 Plaintiff suggests there is some dispute about what time Officer  
18 Bates first spotted him: he states that he left the dump at 12:09 p.m.  
19 and submits a receipt from the dump that bears that timestamp.  
20 (ECF 83 at 100.) But proof that Plaintiff wrapped up his business at  
21 the dump at 12:09 p.m. does not undermine Defendant Bates' claim  
22 that he first saw Plaintiff on Highway 18 at 12:55 p.m. Under Rule  
23 56(e), the Court considers the fact undisputed for purposes of the  
24 Motion. *See Fed. R. Civ. P 56(e)* (if a party "fails to properly address  
25 another party's assertion of fact as required by Rule 56(c)," the court  
26 may "consider the fact undisputed for purposes of the motion").

- 1        • **SUF 2:** SUF 2 states that Officer Bates suspected one of the  
2        passengers was not properly belted because the vehicle Plaintiff was  
3        driving can seat a maximum of two passengers and a driver. Plaintiff  
4        responds that the traffic citation was ultimately dismissed. (SGD B.)  
5        That the ticket was ultimately dismissed once Plaintiff went to court  
6        does not meaningfully address the claim that Bates suspected a  
7        seatbelt violation when he pulled Plaintiff over. For the same reason  
8        as above, then, the Court considers the fact undisputed for purposes  
9        of the Motion.
- 10        • **SUF 5:** SUF 5 indicates that about two minutes after Bates turned  
11        on his overhead lights, Plaintiff pulled over on a highway turn off.  
12        Plaintiff admits all this except he does not explicitly admit how long  
13        it took him to pull over. (SGD E.) Defendants' Statement is supported  
14        by the Bates' Declaration (Bates Decl. at ¶ 4) and Plaintiff is silent  
15        about Defendants' claim; he does not meaningfully address it, let  
16        alone provide evidence undermining Bates' Declaration. Under Rule  
17        56(e), the Court considers the fact undisputed for purposes of the  
18        Motion. *See* Fed. R. Civ. P. 56(e) (courts may also consider a fact  
19        undisputed if the party "fails to properly support an assertion of fact").
- 20        • **SUF 9:** SUF 9 concerns Bates' initial inspection of the truck during  
21        the first few minutes of the traffic stop. Bates says that he looked into  
22        the truck and in plain view, saw that the passenger seated next to the  
23        driver was not in a "designated seating position" and was secured  
24        with an aftermarket lap belt. (SUF 9.) Plaintiff states that Bates  
25        "stepped up, put his hand inside the cab, and leaned into Plaintiff's  
26        vehicle"—thus disputing whether there may have been some search  
27        at this initial stage. (SGD I.) It's possible Plaintiff is confusing this

1 interaction with Bates' first search, which occurred after O'Brien  
2 arrived. In any event, Defendants support this aspect of their SUF  
3 with Bates' Declaration (Bates Decl. at ¶ 4), while Plaintiff makes no  
4 attempt to support his statement. Because Plaintiff fails to support  
5 his assertion with evidence, under Rule 56(e), the Court considers the  
6 fact undisputed for purposes of the Motion.

7 • **SUF 11:** SUF 11 concerns the length of time between when Bates  
8 returned to his car to write the citation and when he returned to give  
9 Plaintiff a citation. Defendants claim that five to six minutes elapsed  
10 and supports that claim with Bates' Declaration. Plaintiff claims that  
11 ten minutes elapsed. (SGD K.) But the only evidence he points to—  
12 the video he and his son shot during the second half of the traffic  
13 stop<sup>3</sup>—does not support his assertion that this interval was ten  
14 minutes long; the relevant portion of the stop was not captured on his  
15 video recording. Under Rule 56(e), the Court considers the fact  
16 undisputed for purposes of the Motion.

17 • **SUF 12:** SUF 12 concerns Defendants' claim that Bates next returned  
18 to Plaintiff's truck to issue a ticket. (SUF 12; Bates Decl. at ¶ 5.)  
19 Plaintiff says that he approached Bates' patrol car and saw Bates  
20 flipping through the Vehicle Code book trying to find a violation.  
21 (SGD L.) He points to the timestamps of his video, which do show  
22 Officer Bates sitting in his patrol car with a book that could be a  
23 Vehicle Code open in front of him. But that portion of the video was  
24 recorded *after* the supervisor was called, not in the time frame that

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<sup>3</sup> A link to the timestamped video Macy and his son recorded is included in  
27 the evidence Plaintiff submitted in support of his Opposition (ECF 83 at 117  
28 (citing <https://www.youtube.com/watch?v=GvmaMonuPeo>)) and is referred to  
here as the "Macy Video."

1 SUF 12 references. In his deposition, Plaintiff admitted Bates  
2 “probably did” come back to his car and “probably trie[d] to give me a  
3 ticket.” (Macy Deposition Tr. at 60, 61-62.) Plaintiff cannot contradict  
4 his own deposition testimony in an attempt to defeat a motion for  
5 summary judgment. *Disc Golf Ass'n v. Champion Discs, Inc.*, 158 F.3d  
6 1002, 1008 (9th Cir. 1998) (“A party cannot create a triable issue of  
7 fact, and thus survive summary judgment, merely by contradicting  
8 his or her own sworn deposition testimony with a later declaration.”).  
9 Both because Plaintiff does not support his contention, and because  
10 he all but conceded Defendants’ contention in his deposition, the  
11 Court considers the fact undisputed for purposes of the Motion.

- 12 • **SUF 15:** SUF 15 relates the time elapsed between when Macy pulled  
13 over and when Macy requested a supervisor be called to the scene.  
14 Defendants claim that period was 10 minutes, and support that claim  
15 with Bates’ Declaration. (Bates Decl. at ¶ 5.) Plaintiff claims that  
16 period was approximately 20 minutes. The evidence he cites in  
17 support (Macy Video at 4:12), however, does not support his assertion.  
18 Because Plaintiff failed to properly support his assertion of fact, the  
19 Court considers the fact undisputed for purposes of the Motion.
- 20 • **SUF 16:** SUF 16 is Defendants’ allegation that the traffic stop would  
21 have been completed when Bates returned to Plaintiff’s car, had  
22 Plaintiff not refused to sign the ticket and instead asked for a  
23 supervisor. (Bates Decl. at ¶ 5.) Plaintiff claims that Bates did not ask  
24 him to sign the citation until 10 minutes after O’Brien arrived. The  
25 evidence he cites in support (Macy Video at 15:55) does not support  
26 his assertion—it shows that Bates did go over the ticket with him at  
27 that point, but it does not establish that that was the first time Bates  
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1 tried to issue the ticket. Moreover, Plaintiff admitted during his  
2 deposition that Bates did “probably” come back from his car and  
3 “probably” tried to give him a ticket, and that he instead said he  
4 wanted to talk to Bates’ supervisor. Because Plaintiff has not  
5 provided evidence to support his assertion, and because Defendants’  
6 claim is supported by Plaintiff’s own deposition, under Rule 56(e), the  
7 Court considers the fact undisputed for purposes of the Motion.

8 • **SUF 20 and 22:** SUF 20 concerns Sergeant O’Brien’s  
9 acknowledgment of the call for a supervisor, which Defendants claim  
10 occurred at 1:10 p.m. SUF 22 concerns the time Sergeant O’Brien  
11 arrived on the scene. Both claims are supported by Bates’ and  
12 O’Brien’s declarations. (Bates Decl. at ¶¶ 6-7; O’Brien Decl. at ¶¶ 3-  
13 4.) Plaintiff admits that he waited around for Bates’ supervisor to  
14 show up but does not address Defendants’ contention about the  
15 timing. (SGD T, V.) Because Plaintiff “fail[ed] to properly address”  
16 Defendants’ assertion of fact, under Rule 56(e), the Court considers  
17 the fact undisputed for purposes of the Motion.

18 • **SUF 25 and 26:** SUF 25 concerns discussions between Plaintiff and  
19 Sergeant O’Brien, and between Sergeant O’Brien and Officer Bates.  
20 Defendants describe the conversations and state that they lasted  
21 about three minutes and two minutes respectively. (SUF 25.)  
22 Plaintiff’s description of the nature of the discussion does not differ  
23 materially, and he does not address Defendants’ claim about the  
24 length of the conversation. (SGD Y, Z.) Because Plaintiff did not  
25 address this assertion of fact, and because the length is corroborated  
26 by Plaintiff’s own video (Macy Video at 4:15-7:02, 7:02-9:09), the  
27 Court considers the fact undisputed for purposes of the Motion.

1     • **SUF 30 and 31:** SUF 30 and 31 relate to the first search of the truck.  
2         Defendants claim Bates stepped up on the running board of the truck  
3         to look in, and that Bates' inspection lasted 15 seconds. (SUF 30.)  
4         Plaintiff does not dispute that Bates stepped up on the running board  
5         but claims Defendant Bates also put his hand inside the vehicle and  
6         leaned in, and that he lacked consent to do so. (SGD 30-31.) He does  
7         not address the length of the search. (SGD 30-31.) Defendants do not  
8         challenge that this inspection was a search, and thus the exact nature  
9         of the entry into the truck, and whether a hand entered the cab's  
10        airspace, is not material to the Court's decision. Likewise, as  
11        Defendants do not rely on consent as justifying this first search, there  
12        is no material factual dispute on this point. The Court will thus  
13        presume the facts in the light most favorable to the non-moving party.

14           With respect to the length of the inspection, Plaintiff did not  
15        address this assertion of fact, and the length is corroborated by  
16        Plaintiff's own video. Thus, under Rule 56(e), the Court considers the  
17        length of the first search undisputed for purposes of the Motion.

18     • **SUF 34:** SUF 34 concerns the second search of the car. With respect  
19        to this inspection, Defendants claim Bates and O'Brien did not disturb  
20        anything in the truck and that no property was taken. (SUF 34.) The  
21        claim is supported by Bates' Declaration, and by Plaintiff's video,  
22        which shows Bates visually inspecting and taking a picture, but not  
23        touching anything in the truck. (Bates Decl. at ¶ 8; Macy Video at  
24        13:32-13:59.) Plaintiff alleges that Bates took a picture, a fact  
25        Defendants admit elsewhere; this is therefore not a disputed fact.  
26        (SGD 34; SUF 33.) With respect to the balance of SUF 34, Plaintiff  
27        does not address the allegation, and his own video corroborates

1 Defendants' claim that nothing was disturbed and none of Plaintiff's  
2 personal property was taken out of the truck. Thus, under Rule 56(e),  
3 the Court considers the fact that nothing was disturbed or taken  
4 undisputed for purposes of the Motion.

5 • **SUF 35:** SUF 35 concerns discussions between Plaintiff, Sergeant  
6 O'Brien, and Officer Bates. Defendants describe the conversations  
7 and state that they lasted about twelve minutes. (SUF 35.) Plaintiff's  
8 description of the discussion does not differ materially, and he does  
9 not address Defendants' claim about how long the conversation went  
10 on. (SGD 35.) Because Plaintiff did not address this assertion of fact,  
11 and because the length is corroborated by Plaintiff's own video (Macy  
12 Video at 14:00-26:55), under Rule 56(e), the Court considers the fact  
13 undisputed for purposes of the Motion.

14 • **SUF 37:** SUF 37 relates to the time when the incident ended.  
15 Defendants indicate that they cleared the incident with dispatch at  
16 about 1:47 p.m., about 30 minutes after Sergeant O'Brien arrived;  
17 they support that claim with their own Declarations. (SUF 37; Bates  
18 Decl. at ¶ 10; O'Brien Decl. at ¶ 6.) Plaintiff indicates he was  
19 eventually free to leave but does not specify what time that happened.  
20 (SGD 35.) Because Plaintiff did not address this assertion of fact, and  
21 because the length of time between when O'Brien arrived and when  
22 Plaintiff was released is corroborated by Plaintiff's own video (Macy  
23 Video at 4:10-27:00), under Rule 56(e), the Court considers the fact  
24 undisputed for purposes of the Motion.

25 • **SUF 38 and 39:** SUF 38 and 39 relate to Defendants demeanor  
26 throughout the stop—specifically, that they did not use profanity or  
27 force, did not place Plaintiff in handcuffs, were cordial, and did not  
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1 raise their voices. Defendants support these claims with their own  
2 Declarations (Bates Decl. at ¶ 11; O'Brien Decl. at ¶ 5) and the  
3 entirety of Macy's video. In an attempt to show that these facts are  
4 disputed, Plaintiff claims that he was illegally detained for over an  
5 hour, and that Bates refused to identify himself when asked. (SGD  
6 38-39.) Neither of these meaningfully challenge Defendants' specific  
7 assertions of fact, and as such, the Court considers the facts in SUF  
8 38 and 39 undisputed under Rule 56(e) for purposes of the Motion.

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- 10 • **SUF 40:** Defendants assert that the traffic stop lasted just over 50  
11 minutes, with about 40 minutes coming after Plaintiff asked for a  
12 supervisor to come. (SUF 40.) Plaintiff claims that the stop lasted over  
13 an hour, citing his video. The video, however, does not support his  
14 contention. Macy's video is only 27 minutes and 10 seconds long.  
15 While it does not capture the entire traffic stop, it does capture the  
16 portion *after* Plaintiff requested a supervisor. Moreover, the  
17 undisputed facts discussed above establish that the call for a  
18 supervisor occurred approximately ten minutes after Defendant  
19 Bates initiated the stop. Plaintiff's video thus does not establish that  
20 the stop lasted over one hour. For purposes of this Motion, the Court  
21 considers Defendants' asserted fact undisputed. *See* Fed. R. Civ. P.  
22 56(e)(2).

23 **B. Plaintiff's Exhibits**

24 Plaintiff does not submit a separate document with additional facts that  
25 he believes are disputed; he does, however, attach a Declaration and Exhibits  
26 to his Opposition. (ECF 83.) The Declaration merely indicates what exhibits  
27 are attached. (ECF 83 at 1-4.) The Exhibits consist of 200 plus pages of Public  
28 Records Act requests, discovery responses, filings from this case, legal squibs

1 apparently prepared by Plaintiff, civilian complaints, copies of tickets, and the  
2 like. Apart from his own video and the receipt from the dump, none of these  
3 documents are referenced in Plaintiff's Opposition or in his Statement of  
4 Genuinely Disputed Facts. Defendants filed Objections, arguing that the  
5 evidence is irrelevant or has not been submitted in an admissible form. (ECF  
6 86-1.)

7 The Court has reviewed the Exhibits and does not see their relevance to  
8 Defendants' Motion or to the claims that remain in the case, with the exception  
9 of the video Macy and his son shot during the traffic stop. As to the remaining  
10 Exhibits, Defendants' Objections are sustained; none suggests there is a  
11 *material* difference of fact that would preclude summary judgment.

### 13 FACTUAL SUMMARY

14 On June 27, 2023, at approximately 12:55 p.m., Defendant Bates was on  
15 a routine patrol when he observed four people seated in the cab of white Isuzu  
16 box truck. (SUF 2.) Based on his training and experience, Bates suspected one  
17 of the passengers was not properly seat belted and initiated a traffic stop. (SUF  
18 2-4.) He exited his vehicle and approached the passenger's side door window to  
19 speak with Plaintiff, the driver. (SUF 6.)

20 Bates asked for Plaintiff's driver's license, registration, and proof of  
21 insurance, and explained to him that the stop was due to a potential seatbelt  
22 violation. (SUF 7-8.) He peered into the vehicle through the passenger's side  
23 door window and noticed that the passenger seated next to Plaintiff was not  
24 seated in a designated seat and was secured by an after-market lap belt. (SUF  
25 9.) Based on that observation, Defendant Bates determined that the passenger  
26 was not properly secured. (SUF 9.)

27 Defendant Bates returned to his patrol car to confirm the information  
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1 Plaintiff provided, fill out a citation, and confer with the California Vehicle  
2 Code. (SUF 10.) After about five or six minutes, Bates finished filling out the  
3 citation and returned to Plaintiff's vehicle to issue the citation. (SUF 11.) As  
4 Bates attempted to hand Plaintiff the citation, Plaintiff expressed his  
5 disagreement with the citation. (SUF 13.) Plaintiff refused to take the citation  
6 and asked for a supervisor. (SUF 14.) Plaintiff believed he was being  
7 unlawfully detained and hoped the supervisor would let him go without the  
8 citation being issued. (SUF 18.) Approximately ten minutes had passed  
9 between the time Bates pulled Plaintiff over and Plaintiff's request for a  
10 supervisor. (SUF 15.) Had Macy taken the ticket and not asked for a  
11 supervisor, the stop would have been completed at that point. (SUF 16.)

12 Bates returned to his patrol car and contacted the on-duty supervisor,  
13 Defendant O'Brien. (SUF 19.) Defendant O'Brien acknowledged the call at 1:10  
14 p.m. and headed toward the location of the stop. (SUF 20.) At some point  
15 shortly before O'Brien arrived, Plaintiff began recording the stop on his cell  
16 phone. (SUF 21.)

17 Defendant O'Brien arrived at the stop location at 1:18 p.m. (SUF 22.) He  
18 approached Plaintiff, and then he and Plaintiff discussed the validity of the  
19 citation for approximately three minutes. (SUF 25.) O'Brien then conferred  
20 with Bates about the citation for about two minutes before returning to speak  
21 with Plaintiff. (SUF 26.) O'Brien tried to explain to Plaintiff why he had been  
22 pulled over, but Plaintiff continued to dispute the citation. (SUF 27-28.)

23 About three minutes into Plaintiff arguing about the citation, Defendant  
24 Bates stepped up on the truck's running board to look in the cab and the  
25 seatbelt at issue. (SUF 30.) Defendant Bates' head and hand entered the cab,  
26 but he did not enter the vehicle. (SUF 30-31.) The inspection lasted  
27 approximately fifteen seconds. (SUF 31.)

1 Plaintiff continued to contest the citation. After a few minutes passed,  
2 Bates asked if he could get the passengers out so he could inspect the truck.  
3 Plaintiff said, "Sure, come on out guys." (SUF 32; SGD 32.) The second search  
4 lasted about thirty seconds, and Defendant Bates took a picture of the seatbelt.  
5 (SUF 33.) Nothing inside the cab was moved during the inspection and no  
6 property was taken. (SUF 34.)

7 Plaintiff continued to contest the validity of the citation for another  
8 twelve minutes before discontinuing his argument. (SUF 35.) Defendants  
9 cleared the incident with CHP dispatch at 1:47 p.m. (SUF 37.) At no time  
10 during the incident did either Defendant use profanity, use force, or place  
11 Plaintiff in handcuffs. (SUF 38.) The entire traffic stop lasted just over fifty  
12 minutes, approximately forty of which occurred after Plaintiff asked for a  
13 supervisor. (SUF 40.)

## 15 ANALYSIS

16 Plaintiff claims Defendants Bates and O'Brien violated his Fourth  
17 Amendment rights because they unreasonably prolonged the traffic stop and  
18 because they conducted illegal searches of his vehicle. Constitutional violations  
19 are remedied under 42 U.S.C. § 1983. To maintain a § 1983 claim, Plaintiff  
20 must show that (1) the conduct complained of was committed by a person  
21 acting under color of state law and (2) the conduct deprived him of a  
22 constitutional right. *See L.W. v. Grubbs*, 974 F.2d 119, 120 (9th Cir. 1992).  
23 Defendants argue that they are entitled to qualified immunity because the  
24 undisputed facts establish that no Fourth Amendment violation occurred.  
25 (ECF 66-1 ("Mot.") at 13.)

### 26 A. Qualified Immunity Standard

27 Determining whether a defendant is entitled to qualified immunity is a  
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1 two-step inquiry, steps that may be addressed in either order. *See Pearson v.*  
2 *Callahan*, 555 U.S. 223, 236 (2009). First, a court must ask whether the facts  
3 alleged, taken in the light of the party asserting the injury, show the officer's  
4 conduct violated a constitutional right. *Saucier v. Katz*, 533 U.S. 194, 201  
5 (2001) *overruled in part on other grounds by Pearson*, 555 U.S. at 236.

6 If the answer to the first question is yes, the court must next ask whether  
7 the constitutional right was clearly established at the time. *See Saucier*, 533  
8 U.S. at 201 (2001); *see also Cuevas v. City of Tulare*, 107 F.4th 894, 898 (9th  
9 Cir. 2024). For a right to be clearly established, “[t]he contours of the right  
10 must be sufficiently clear that a reasonable official would understand that  
11 what he is doing violates that right.” *Wilson v. Layne*, 526 U.S. 603, 615 (1999).  
12 The plaintiff bears the burden of establishing a right was clearly established.  
13 *Tarabochia v. Adkins*, 766 F.3d 1115, 1125 (9th Cir. 2014).

14 **B. Prolonged Traffic Stop**

15 Plaintiff argues that Defendants violated his Fourth Amendment rights  
16 by unlawfully prolonging the traffic stop. The Fourth Amendment guarantees  
17 “[t]he right of the people to be secure in their persons, houses, papers, and  
18 effects, against unreasonable searches and seizures[.]” U.S. Const. amend. IV.  
19 Stopping an automobile and detaining its occupants, even if only for a brief  
20 period, constitutes a seizure under the Fourth Amendment. *Tarabochia v.*  
21 *Adkins*, 766 F.3d 1115, 1121 (9th Cir. 2014). As such, “an [officer] must have  
22 individualized reasonable suspicion of unlawful conduct to carry out such a  
23 stop.” *Id.* (internal quotation marks omitted) (citing *Delaware v. Prouse*, 440  
24 U.S. 648, 663 (1979)).

25 An otherwise lawful stop can violate the Fourth Amendment if its  
26 manner of execution unreasonably infringes interests protected by the  
27 Constitution. *Illinois v. Caballas*, 543 U.S. 405, 407 (2005). For instance, “[a]

1 seizure that is justified solely by the interest in issuing a warning ticket to the  
2 driver can become unlawful if it is prolonged beyond the time reasonably  
3 required to complete that mission.” *Id.* The Supreme Court, however, has  
4 declined to set a definitive time limit on a lawful investigative stop. *See United*  
5 *States v. Sharpe*, 470 U.S. 675, 685 (1985). Instead, the critical inquiry is  
6 whether the officers “diligently pursued a means of investigation that was  
7 likely to confirm or dispel their suspicions quickly, during which time it was  
8 necessary to detain the defendant.” *Id.* at 686.

9 In the context of a traffic stop, an officer’s mission includes ordinary  
10 inquiries incident to the traffic stop. *Rodriguez v. United States*, 575 U.S. 348,  
11 354 (2015). Such inquiries generally include “checking the driver’s license,  
12 determining whether there are outstanding warrants against the driver, and  
13 inspecting the automobile’s registration and proof of insurance.” *Id.* at 355  
14 (citing *Delaware v. Prouse*, 440 U.S. 648, 658-60 (1979)). If the officer prolongs  
15 the traffic stop beyond the completion of these tasks without probable cause or  
16 reasonable suspicion to do so, the stop becomes unlawful. *Id.* at 357; *see also*  
17 *United States v. Evans*, 786 F.3d 779, 786 (9th Cir. 2015) (prolonging a traffic  
18 stop unlawful unless supported by independent reasonable suspicion).

19 Defendants argue that no Fourth Amendment violation occurred because  
20 it was Plaintiff’s actions that prolonged the stop. (Mot. at 15.) Indeed, the  
21 undisputed facts establish that Defendant Bates completed the mission of the  
22 traffic stop—i.e., completing all the steps leading up to issuing the traffic  
23 citation—within a few minutes. (SUF 11.) But as Bates attempted to give  
24 Plaintiff the citation, Plaintiff began to argue about the citation and asked to  
25 speak with a supervisor. (SUF 8.) Approximately ten minutes had elapsed by  
26 the time Plaintiff asked for a supervisor, and all ten minutes were directly  
27 related to tasks related to the traffic stop. (SUF 15.) As such, Defendant Bates’  
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1 actions up until this point were lawful. *See Rodriguez*, 575 U.S. at 354.

2 Defendant O'Brien arrived at the scene approximately eight minutes  
3 after he was called. (See SUF 20, 22.) Plaintiff then began to argue with him  
4 about the validity of the citation, and he continued to do so over the next  
5 twenty-five or so minutes. (SUF 24-29, 35-37.) While the traffic stop lasted  
6 approximately fifty minutes in total, the Court concludes that the length of the  
7 stop was reasonable. It was Plaintiff's quest to dodge the citation that  
8 prolonged the traffic stop, and not Defendants' actions. A traffic stop prolonged  
9 by the detainee's desire to debate the validity of the ticket or have a supervisor  
10 brought to the scene does not violates the Fourth Amendment. *United States*  
11 *v. Thompkins*, 833 F. App'x 648, 651 (7th Cir. 2020) (finding no Fourth  
12 Amendment violation where traffic stop prolonged because individual refused  
13 to leave his car until a supervisor arrived on the scene, and then contested the  
14 supervisor's instructions to leave the car); *Marshall v. City of Farmington*  
15 *Hills*, 693 F. App'x 417, 423 (6th Cir. 2017) (finding no Fourth Amendment  
16 violation where traffic stopped prolonged because the person stopped asked for  
17 a supervisor to be called to the scene and would not surrender his weapon when  
18 instructed to do so); *see also United States v. Sharpe*, 470 U.S. 675, 699-700  
19 (1985) (J. Marshall, concurring) (opining that a prolonged stop "is permissible  
20 when a suspect's own actions are the primary cause for prolonging an  
21 encounter beyond the bounds to which *Terry*'s brevity requirement ordinarily  
22 limits such stops").

23 Plaintiff's argument to the contrary is not persuasive; he argues that the  
24 citation was not justified because his conduct did not violate the California  
25 Vehicle Code. (Opp'n at 2.) But Plaintiff's argument misses the mark; the  
26 inquiry is whether Defendants unreasonably prolonged the stop by performing  
27 tasks unrelated to investigating the potential traffic violation, not whether the  
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1 citation they issued was righteous. Whether Defendants were ultimately  
2 correct about Plaintiff's liability is thus irrelevant to determining whether the  
3 stop was unlawfully prolonged.

4 The undisputed facts establish that Defendants' conduct did not violate  
5 the Fourth Amendment because the traffic stop was not unreasonably  
6 prolonged by their actions. And because no constitutional violation occurred,  
7 Defendants are entitled to qualified immunity. As such, the Court recommends  
8 granting Defendants' Motion with respect to Plaintiff's Fourth Amendment  
9 claim for a prolonged stop.

10 **B. Warrantless Searches of Plaintiff's Truck**

11 The Second Amended Complaint alleges that the searches of Plaintiff's  
12 truck violated the Fourth Amendment. Searches "conducted outside the  
13 judicial process, without prior approval by judge or magistrate, are *per*  
14 *se* unreasonable under the Fourth Amendment—subject only to a few  
15 specifically established and well-delineated exceptions." *Katz v. United States*,  
16 389 U.S. 347, 357 (1967). Here, two searches are at issue: (1) Defendant Bates'  
17 search shortly after Defendant O'Brien arrived; and (2) the search conducted  
18 by Bates and O'Brien. (SUF 16-17.) Defendants do not dispute that either of  
19 these was a search and do not contend that either search was conducted  
20 pursuant to a warrant. Defendants argue, however, that both searches were  
21 lawful because an exception to the warrant requirement applied to each search.  
22 (Mot. at 18-22.)

23 **1. The First Search**

24 The first search occurred while Plaintiff argued with Defendant O'Brien  
25 about the citation. Defendant Bates stepped onto the side of Plaintiff's truck to  
26 look inside the cab at the seatbelt in question. (SUF 16.) Bates' head entered  
27 the cab of the vehicle. Taking the facts in the light most favorable to Plaintiff,  
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1 his hand entered the vehicle too, but he did not otherwise enter the vehicle.  
2 (SUF 16.) The lawfulness of Bates' search turns on whether an exception to the  
3 warrant requirement justifies this search.

4 Plaintiff argues Defendant Bates' search violated the Fourth  
5 Amendment because he did not consent to the search. (Opp'n at 1-2.)  
6 Defendants argue, however, that this first search was lawful under the  
7 automobile exception, not based on consent.

8 Under the automobile exception, police officers may conduct a  
9 warrantless search "if there is probable cause to believe that the vehicle  
10 contains evidence of a crime." *United States v. Faagi*, 869 F.3d 1145, 1150 (9th  
11 Cir. 2017) (internal quotation marks and citation omitted). So long as the  
12 search is supported by adequate probable cause, there is no temporal limit on  
13 a search conducted under the automobile exception. *See United States v. Johns*,  
14 469 U.S. 478, 484 (1985). Probable cause exists when, under the totality of the  
15 circumstances, there is a fair probability that evidence of a crime will be found  
16 in a particular place. *United States v. Steinman*, 130 F.4th 693, 711 (9th Cir.  
17 2025). The test for probable cause is not precise; all that is required "is the kind  
18 of 'fair probability' on which 'reasonable and prudent [people,] not legal  
19 technicians, act.'" *Florida v. Harris*, 568 U.S. 237, 243-44 (2013) (quoting  
20 *Illinois v. Gates*, 462 U.S. 213, 238 (1983)).

21 Here, the undisputed facts establish that Defendant Bates had probable  
22 cause to stop Plaintiff. The California Vehicle Code mandates the use of  
23 seatbelts. *Kodani v. Snyder*, 75 Cal. App. 4th 471, 475 (1999); *see also* Cal. Veh.  
24 Code § 27315(d)(1) ("A person shall not operate a motor vehicle on a highway  
25 unless that person and all passengers 16 years of age or over are properly  
26 restrained by a safety belt."). Under California law, an officer who observes an  
27 occupant of a vehicle without a shoulder harness thus has probable cause to  
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1 stop the vehicle to determine whether a seatbelt violation has occurred.  
2 *Kodani*, 75 Cal. App. 4th at 477 (citing *In re Tony C.*, 21 Cal. 3d 888, 892  
3 (1978)).

4 Defendant Bates observed four passengers in the cab of Plaintiff's truck.  
5 (See SUF 1-2.) Based on his knowledge and experience, he suspected that one  
6 passenger was not properly seat belted and initiated a traffic stop. (SUF 2-4.)  
7 Under California law, then, probable cause existed for Defendant Bates to  
8 initiate the traffic stop to determine whether a traffic violation occurred. After  
9 pulling the car over, he was able to see that the passenger seated next to the  
10 driver was "not seated in a designated seating position while sitting on a  
11 pillow" and was not secured by a seatbelt that was original to the truck. (SUF  
12 9.) Bates suspected, therefore, that that passenger was not properly restrained.  
13 Based on the nature of the suspected violation, Officer Bates also had probable  
14 cause to believe that evidence of Plaintiff's Vehicle Code violation could be  
15 found inside the truck. His search was therefore justified under the automobile  
16 exception.<sup>4</sup>

17 As discussed above, much of Plaintiff's Opposition is dedicated to his  
18 argument that his conduct did not violate the seatbelt laws because all  
19 passengers were properly restrained. (See Opp'n at 1-2.) But, again, the  
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21 <sup>4</sup> The Ninth Circuit recently declined to address whether the automobile  
22 exception applies where law enforcement is searching for evidence of an  
23 infraction. *United States v. Vasquez*, No. 19-50275, 2021 WL 3011997, at \*2 n.2  
24 (9th Cir. July 15, 2021). This Court need not settle that question to decide this  
25 Motion; several districts of the California Court of Appeal have held that the  
26 automobile exception applies "irrespective of whether [the offense] is an  
27 infraction and not an arrestable offense." *People v. Castro*, 86 Cal. App. 5th  
28 314, 320 (Cal. Ct. App. Nov. 18, 2022); *see also In re Randy G.*, 101 Cal. App.  
5th 933, 983 (Cal. Ct. App. May 3, 2024); *People v. McGee*, 53 Cal. App. 5th  
796, 805 (Cal. Ct. App. July 28, 2020). Thus, at the very least, existing  
precedent did not "place[] . . . beyond debate" that such conduct was  
unconstitutional. *Ashcroft v. Al-Kidd*, 563 U.S. 731, 741 (2011).

1 lawfulness of Defendant Bates' search is not dependent on whether he was  
2 ultimately correct to give Plaintiff a ticket. What matters is that Defendant  
3 Bates had an adequate basis to search the vehicle; undisputed evidence  
4 establishes that he did. Accordingly, the Court concludes that Defendant Bates'  
5 first search did not violate the Fourth Amendment.

6 **2. The Second Search**

7 The second search was also justified, this time, because Plaintiff  
8 consented to the search. A warrantless search conducted pursuant to valid  
9 consent is constitutionally permissible. *Schneckloth v. Bustamonte*, 412 U.S.  
10 218, 222 (1983). Consent must be both unequivocal and specific. *United States*  
11 *v. Taylor*, 60 F.4th 1233, 1242-43 (9th Cir. 2023) (internal citations and  
12 quotation marks omitted). It must also be voluntarily given, not coerced. *Id.*;  
13 *see also United States v. Childs*, 944 F.2d 491, 494 (9th Cir. 1991) (requiring  
14 consent to conduct a warrantless search). In a § 1983 case, it is the plaintiff's  
15 burden to show that consent was not valid or voluntarily given. *Pavao v. Pagay*,  
16 307 F.3d 915, 919 (9th Cir. 2002).

17 In this case, Plaintiff argues that he did not consent to a search. (Opp'n  
18 at 2.) The undisputed facts are to the contrary. As reflected on Plaintiff's own  
19 recording of the stop, Plaintiff asked Bates to confirm for Sergeant O'Brien that  
20 he saw four seatbelts installed in the truck. (Macy Video Tr. at 99.) In response,  
21 Bates said, "Can I get the passengers out so I can inspect it?" (Macy Video Tr.  
22 at 99.) Macy said, "Sure. Come on out guys." (Macy Video Tr. at 99.) Bates then  
23 conducted his search. In other words, the evidence shows that Plaintiff not only  
24 consented to the search, but that he facilitated it by having his passengers step  
25 out so he could have the officer confirm the configuration of his truck. Plaintiff  
26 points to no evidence undermining consent or suggesting that his consent was  
27 not freely given. Under these facts, no reasonable jury could find that Plaintiff  
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1 had not validly consented to the second search. *See Crowe v. Cnty. of San Diego*,  
2 608 F.3d 406, 438 (9th Cir. 2010) (summary judgment appropriate where there  
3 is “no material issue of genuine fact as to whether [plaintiff] validly consented  
4 to the search”).

5 In sum, the undisputed evidence establishes that both searches were  
6 lawful under an exception to the warrant requirement. As such, no  
7 constitutional violation occurred, and Defendants are entitled to qualified  
8 immunity as a matter of law.

9 For these reasons, the Court recommends granting Defendants’ Motion  
10 for summary judgment on Plaintiff’s Fourth Amendment warrantless search  
11 claims.

12

### 13 RECOMMENDATION

14 IT THEREFORE IS RECOMMENDED that the District Judge issue an  
15 Order:

16 (1) accepting and adopting this Interim Report and Recommendation;  
17 and  
18 (2) granting Defendants’ Motion for summary judgment (ECF 66);  
19 (3) entering Judgment in favor of Defendants and dismissing this action  
20 with prejudice.

21  
22 DATED: May 20, 2025



23  
24 BRIANNA FULLER MIRCHEFF  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
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## NOTICE

Reports and Recommendations are not appealable to the United States Court of Appeals for the Ninth Circuit, but may be subject to the right of any party to file objections as provided in the Local Civil Rules for the United States District Court for the Central District of California and review by the United States District Judge whose initials appear in the docket number. No notice of appeal pursuant to the Federal Rules of Appellate Procedure should be filed until the District Court enters judgment.